

### **REMARKS**

Claims 11-17 are pending in the present application. Claims 1-10 are canceled. Support for new claim 11 is found in original claims 1 and 3 and page 6 of the specification as filed. Support for new claim 12 is found on page 12 of the specification as filed. Support for new claim 13 is found in original claim 3 and page 6 of the specification as filed. Support for new claim 14 is found in original claim 5 and page 6 of the specification as filed. Support for claim 15 is found in original claim 5 and page 12 of the specification as filed. Support for claim 16 is found in original claim 7 and page 6 of the specification as filed. Support for claim 17 is found in original claim 9 and page 6 of the specification as filed.

### **Rejections under 35 USC §112**

The Examiner has rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse.

Specifically, the Examiner states that the phrases “disease accompanying an abnormality in an amount of insulin or insulin response” and “a processed product derived from a plant belonging to Umbelliferae” are unclear.

Claims 11 and 14 recite “a disease characterized by an abnormal response to insulin or abnormal insulin levels” in lieu of the phrase “disease accompanying an abnormality in an amount of insulin or insulin response.” Claims 11, 13-14, and 16-17 recite “an extract of a plant selected from the group consisting of *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe japonica*, *Cryptotaenia japonica* and *Cryptotaenia japonica* Hassk”, in lieu of “a processed product.” Because a skilled artisan understands the scope of claims 11, 13-14, and 16-17, these claims are not indefinite. Claims 12 and 15 do not recite the allegedly unclear phrases and do not depend on claims that recite the allegedly unclear phrases. Claims 1-10 are canceled. Accordingly, Applicants respectfully request this rejection be reconsidered and withdrawn.

**Issues under 35 USC §102***US Patent No. 6,129,124*

The Examiner has rejected claims 1-4 as anticipated by US Patent No. 6,129,124 to Maurel *et al.* ('124). Applicants respectfully traverse.

Claims 11 and 13 are drawn to a therapeutic agent or prophylactic agent or insulin-mimetic agent, respectively, for treating or preventing a disease characterized by an abnormal response to insulin or abnormal insulin levels, wherein the agent comprises an extract of a plant selected from the group consisting of *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe javanica*, *Cryptotaenia japonica* Hassk and *Angelica pubescens* as an effective ingredient.

In contrast, the '124 reference discloses an organometallic complex derived from a reaction between a) plant extract containing a metal, such as vanadium from a parsley extract b) a mixture of sitosterol and sitostanol or of pure sitostanol or of a plant extract containing the same, and 3) a diglyceride wherein the metal from the plant extract is useful for treating diabetes. The complex acts to optimize the bioavailability for the metallic cation transported, permitting its therapeutic use with low or no toxicity.

Independent claims 11 and 13, alternatively, recite a plant extract of *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe japonica*, *Oenanthe javanica*, *Cryptotaenia japonica* Hassk and *Angelica pubescens*. The '124 reference does not disclose a plant extract from these particular species or genera.

Because each and every element of a claim must be inherently or expressly disclosed in a single reference to anticipate a claim, the '124 reference does not anticipate claims 11 and 13. Claim 12, which incorporates all of the features of claim 11, is allowable, at least, by virtue of dependency. Claims 1-10 are canceled. Accordingly, Applicants respectfully request this rejection be reconsidered and withdrawn.

*Japanese Patent Application No. JP57046815*

The Examiner has rejected claims 5-6 as anticipated by JP57046815 to Minegami ('815). Applicants respectfully traverse.

Independent claim 14 is drawn to a food, beverage, or feed for treating or preventing a disease characterized by an abnormal response to insulin or abnormal insulin levels. The food, beverage or feed includes an extract of *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe javanica*, *Cryptotaenia japonica* Hassk or *Angelica pubescens* as an effective ingredient.

In contrast, the '815 reference discloses a beverage made from mugwort, comfrey, malbar nightshade, parsley, and dandelion green juice mixed with the extract of the whole plants of New Zealand spinach, cranebill, and broad-leaved plantain. The '815 reference states that the beverage promotes good health and is useful in the treatment of diabetes.

Independent claim 14, alternatively, recites a plant extract of *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe javanica*, *Cryptotaenia japonica* Hassk or *Angelica pubescens*. The '815 reference does not disclose a plant extract from these particular species or genera.

Because each and every element of a claim must be inherently or expressly disclosed in a single reference to anticipate a claim, the '815 reference does not anticipate claim 14. Claim 15, which incorporates all of the features of claim 14, is allowable, at least, by virtue of dependency. Claims 5-6 are canceled. Accordingly, Applicants respectfully request this rejection be reconsidered and withdrawn.

*US Patent No. 6,171,635 to Zhao*

The Examiner has rejected claims 7-10 as anticipated by US Patent No. 6,171,635 to Zhao ('635). Applicants respectfully traverse.

Independent claims 16 and 17 are drawn to an agent for the enhancement of glucose uptake into a cell or an agent for the induction of adipocyte differentiation, respectively. Both of these agents comprise plant extracts from *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe javanica*, *Cryptotaenia japonica* Hassk or *Angelica pubescens* as an effective ingredient.

In contrast, the '635 reference discloses a process for preparing a brewable coffee-type product. An edible base of grain, legume or a mixture thereof is ground at a temperature of approximately 30°C and 100°C. Dehydrated and shredded parsley and nuts may also be added to the mixture. This coffee substitute may be used to improve glucose intolerance and to prevent obesity as high levels of glucose and lipids tend to turn into fat deposits.

Claims 16-17, alternatively, recite a plant extract from *Angelica keiskei* koidz., *Apium*, *Daucus*, *Oenanthe javonica*, *Cryptotaenia japonica*, *Cryptotaenia japonica* Hassk or *Angelica pubescens* as an effective ingredient. The '653 reference does not disclose a plant extract from these particular species or genera.

Because each and every element of a claim must be inherently or expressly disclosed in a single reference to anticipate a claim, the '653 reference does not anticipate claim 16 or 17. Claims 7-10 are canceled. Accordingly, Applicants respectfully request this rejection be reconsidered and withdrawn.

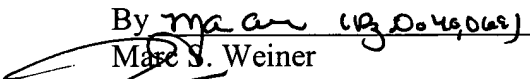
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

If the Examiner has any questions concerning this application, the Examiner is requested to contact Marc S. Weiner, Reg. No. 32,181 at the telephone number of (703) 205-8000.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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